IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants	:	Nicholas L. DiSalvo William R. Ziegler
Serial No.	:	_____
Filed	:	April 19, 2004
For	:	Circuit Interrupting Device With Reverse Wiring Protection
Docket No.	:	1415CIP3CON3

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION OF BARRY G. MAGIDOFF IN SUPPORT OF PETITION TO MAKE SPECIAL UNDER 37 C.F.R. § 1.102(d) AND MPEP 708.02 ITEM II

Dear Sir:

I, Barry G. Magidoff, hereby declare that I am an attorney of record for the above noted application being filed on April 19, 2004 for CIRCUIT INTERRUPTING DEVICE WITH REVERSE WIRING PROTECTION and that:

(1) I have carefully read the attached Petition to Make Special and believe the same to be true and correct in every particular to the best of my knowledge and belief.

(2) I have made a rigid comparison of the alleged infringing device, product, or method which is known as a GROUND FAULT CIRCUIT INTERRUPTER for which an electrical/mechanical schematic and summary of same are included as **Exhibit 1** attached hereto and made a part hereof, with the claims of the application.

(3) In my opinion, at least some of the claims including independent claims 1, 11 and 22 are unquestionably infringed.

(4) At least the above recited claims are unquestionably infringed by the GROUND FAULT CIRCUIT INTERRUPTER described in **Exhibit 1**. The above noted patent application claims a circuit interrupting device that is able to prevent power to the face terminals of a GFCI outlet even when such a device is reverse wired because the face terminals of the outlet are electrically isolated from the load and line terminals of the outlet unless such face terminals are connected to the line and load terminals by a movable bridge. A circuit interrupting portion causes the movable bridge to disconnect the terminals from each other and a reset portion causes the movable bridge to reestablish continuity between the terminals. The elements of independent claim 1 are:

(a) a first electrical conductor capable of being electrically connected to a source of electricity;

(b) a second electrical conductor capable of conducting electrical current to a load when electrically connected to said first electrical conductor;

(c) a third electrical conductor capable of being electrically connected to user accessible plugs and/or receptacles where the first, second and third conductors are electrically isolated from each other;

(d) at least one movable bridge electrically connected to the first electrical conductor, said at least one movable bridge capable of electrically connecting the first, second and third electrical conductors to each other;

(e) a circuit interrupting portion configured to cause electrical discontinuity between the first, second and third electrical conductors upon the occurrence of a predetermined condition; and

(f) a reset portion configured to reestablish electrical continuity between the first, second and third electrical conductors after said predetermined condition occurs.

(5) The infringing device, which is stated to have been manufactured in China, bears "The Designers Edge" name. The Designers Edge, Inc. is a corporation

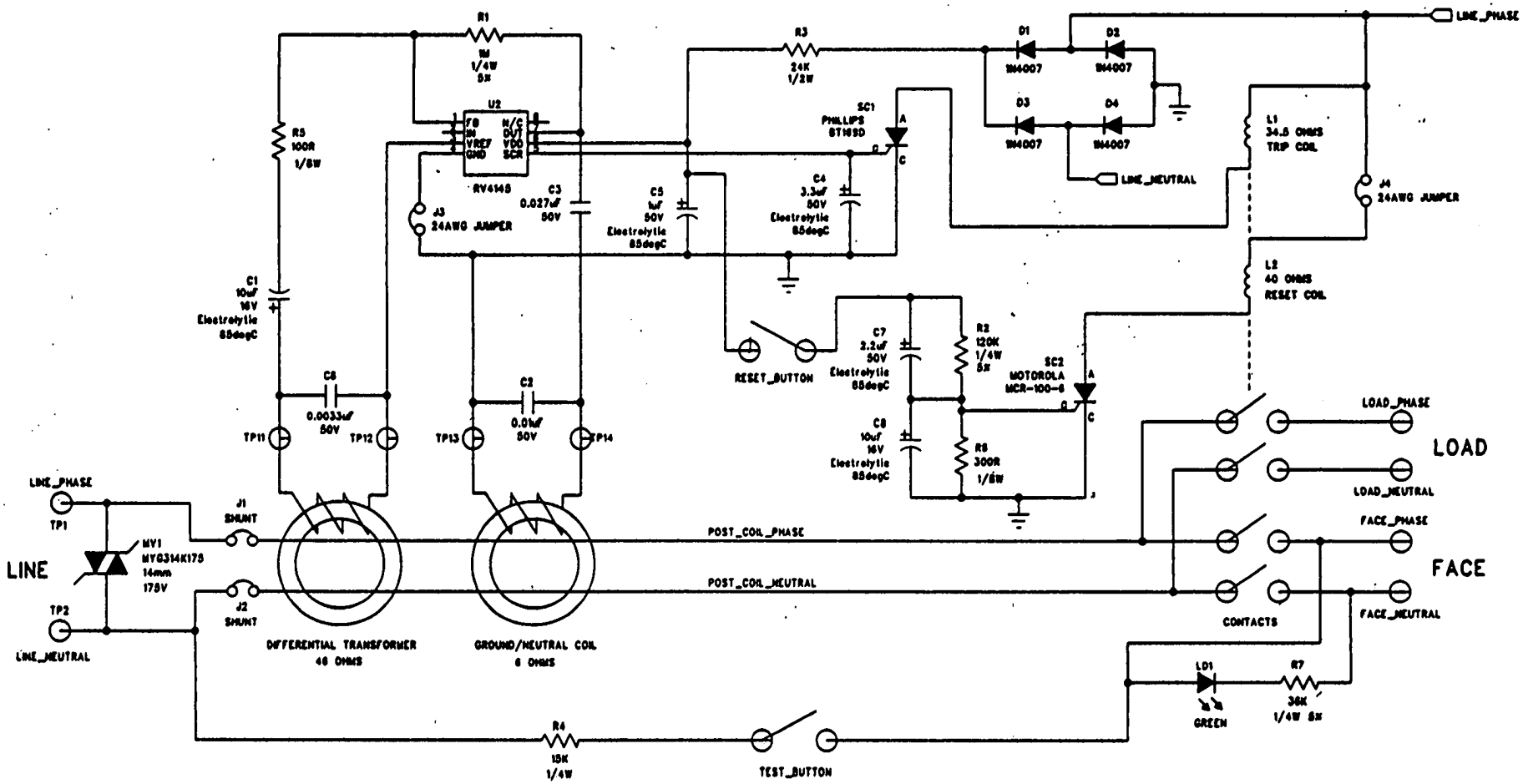
incorporated in the State of Washington, is currently selling the GROUND FAULT CIRCUIT INTERRUPTER ("the TDE device"), described in Exhibit 1. The TDE device when analyzed reveals a circuit interrupting device having a line terminal (first electrical conductor), a load terminal (second electrical conductor), and a face terminal (third electrical conductor) all of which are electrically isolated from each other. The TDE device actually has a pair of line terminals, a pair of load terminals and a pair of face terminals and thus such a configuration not only infringes independent claim 1 but also independent claims 11 and 22. Also, the TDE device contains at least one movable bridge electrically connected to the line terminal and capable of connecting the line terminal to the load and face terminals. The TDE device further has a circuit interrupting portion that activates the movable bridge to cause electrical discontinuity between the line, load and face terminals. Yet further the TDE device has a reset portion that activates the movable bridge to cause electrical continuity between line, load and face terminals to be reestablished.

(6) I am attaching as Exhibit 2, hereto a list of and copies of references (not previously of record) which I believe are most closely related to the subject matter encompassed by the claims of the concurrently filed application.

I hereby declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

DATE: April 19, 2004

Barry G. Magidoff
Reg. No. 21,064


LINE_PHASE
R1
1M
1/4W
5%
U2
RV4145
R5
100R
1/8W
C1
10uF
16V
Electrolytic
85degC
C3
0.027uF
50V
C5
1uF
50V
Electrolytic
85degC
J3
24AWG JUMPER
R3
24K
1/2W
SC1
PHILLIPS
BT169D
D1
1N4007
D2
1N4007
D3
1N4007
D4
1N4007
LINE_NEUTRAL
C4
3.3uF
50V
Electrolytic
85degC
L1
34.5 OHMS
TRIP COIL
J4
24AWG JUMPER
L2
40 OHMS
RESET COIL
RESET_BUTTON
C7
2.2uF
50V
Electrolytic
85degC
R2
120K
1/4W
5%
SC2
MOTOROLA
MCR-100-6
C8
10uF
16V
Electrolytic
85degC
R8
300R
1/8W
C6
0.0033uF
50V
C2
0.01uF
50V
TP11
TP12
TP13
TP14
LOAD_PHASE
LOAD
LOAD_NEUTRAL
FACE_PHASE
FACE
FACE_NEUTRAL
CONTACTS
LINE_PHASE
TP1
J1
SHUNT
MV1
MYG314K175
14mm
175V
LINE
TP2
LINE_NEUTRAL
J2
SHUNT
POST_COIL_PHASE
POST_COIL_NEUTRAL
DIFFERENTIAL TRANSFORMER
46 OHMS
GROUND/NEUTRAL COIL
6 OHMS
LD1
GREEN
R7
36K
1/4W 5%
R4
15K
1/4W
TEST_BUTTON

Summary of Attached Schematic

The attached electrical/mechanical schematic of a Nicor Ground Fault Circuit Interrupter has LINE, LOAD and FACE terminals which are electrically isolated from each other. The Nicor Ground Fault Circuit Interrupter also has a circuit interrupting portion comprising trip coil L1 and plunger (shown as the dashed line) and sensing circuit (differential transformer, integrated circuit U2, semiconductor component SC1) that activate a movable bridge (shown as the four switches labeled "contacts") which connects the LINE, LOAD and FACE terminals to each other upon the occurrence of a predetermined condition or disconnects the LINE, LOAD and FACE terminals after the predetermined condition occurs. The Nicor device further has a reset portion comprising the reset button and accompanying circuit that is connected semiconductor component SC2. When the reset button is depressed, a signal is sent to the gate of SC2 (terminal labeled "G") causing SC2 to energize reset coil L2 resulting in the movable bridge being activated so as to connect the LINE, LOAD and FACE terminals.